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		Application Number	10/051,814
		Filing Date	01/14/2002
		First Named Inventor	Gary L. Schroeder
		Art Unit	1762
		Examiner Name	E. Tsoy
Total Number of Pages in This Submission	4	Attorney Docket Number	12336

ENCLOSURES *(Check all that apply)*

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  - ☐ Affidavits/declaration(s)
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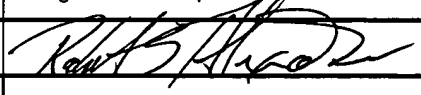
Signature			
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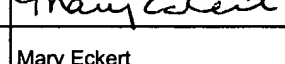
Signature			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
Gary L. Schroeder et al.	:	Examiner: E. Tsoy
U.S. Serial No. 10/051,814	:	Group Art Unit: 1762
Filed January 14, 2002	:	
Docket No. 12336	:	
For: MOIST WIPE AND METHOD OF MAKING SAME	:	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF

Sir:

This reply is in response to the *Examiner's Answer* mailed May 25, 2005.

The Examiner's Answer contains the following errors:

1. At page seven, line one (first full paragraph), the Examiner states that "Pregozen teaches diisobutylphenoxyethoxydimethyl ammonium chloride **not** benzalkonium chloride". Applicant respectfully disagrees. At column seven, lines 11 through 45, Pregozen teaches that wet wipes were formed using composition A, *inter alia*, and "in each case the moistened wipes had an unacceptable slippery feel which rendered them unsuitable for marketing." Composition A is N-alkyl (50% C_{14}, 40% C_{12}, 10% C_{16}) and dimethyl benzylammonium chloride, which is simply another name for benzalkonium chloride.

2. At page seven, line 18, "therefore it is clear from Pregozen [*sic*] teaching that the slippery feel can be avoided if benzalkonium chloride is used for impregnated wipes **not** of 70/30 rayon polyester blend but wipes of other fibers, e.g. of cellulosic fibers in an amount of

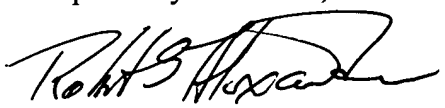
much less than 0.140% e.g. 0.03%." However, Pregozen merely states that "unfortunately, the inclusion of the cationic biocide resulted in an undesirable slippery feel be imparted to the impregnated nonwoven way especially those wipes the fiber content of which contains a significant portion of rayon or rayon polyester blends. However, it was surprisingly found that the incorporation of either of two specific cationic biocides greatly minimized the slippery feel of the wet wipe." Applicant respectfully disagrees. In the first place, rayon is a cellulosic fiber. Second, neither of the two cationic biocides specified by Pregozen is benzalkonium chloride. Third, stating that the problem results especially with "those wipes the fiber content of which contains a significant portion of rayon or rayon-polyester blends" is far different from saying that it can be avoided with cellulosic fibers. No data in Pregozen supports this conclusion. On the contrary, Pregozen teaches away from the present invention by specifying "it was surprisingly found that incorporation of either of two specific cationic biocides greatly minimize the slippery feel of the wet wipe."

3. Recognizing that Pregozen does not meet the limitations of the claims, the Examiner posits a combination with Noda but fails to make a *prima facie* case of obviousness as there is no motivation for the worker to combine Pregozen with Noda. In short, the Examiner ignores the teaching in Pregozen that would lead the worker away from benzalkonium chloride but rather posits that the combination be made and then argues that the proposed combination would have all of the attributes of the presently claimed invention (which is not established). The Examiner begins with a reference that is not intended to address the need addressed by the present invention, delivering an effective amount of a cationic functional agent such as benzalkonium chloride to a surface while remaining within regulatory strictures. Rather, Pregozen, the reference selected deals only with preventing the substrate itself from becoming spoiled. Then, recognizing the need of another reference, the Examiner identifies a reference, Noda, dealing with wet strength resins for paper and states that it is the obvious solution to the unrecognized problem but fails to show that the art ever recognized the problem addressed by the present invention or that the worker would have any basis for assuming that the combination, if made, would address the unrecognized problem. Rather, by *fiat,* the Examiner simply declares that "clearly an anionic surface charge of the web containing cellulosic fibers after binding to them to cationic latex would not be greater than 1.2 meg per kilogram." It is respectfully

submitted, that such reasoning is clear evidence of the hindsight reconstruction of the invention rather than obviousness.

For all of the above reasons all outstanding rejections in this application should be reversed and this case passed to issue.

Respectfully submitted,



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